

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-80062-CR-MIDDLEBROOKS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY RAUL DEL VALLE,

Defendant.

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**ORDER ON DEFENDANT'S RENEWED MOTION FOR JUDGMENT  
OF ACQUITTAL AND MOTION FOR NEW TRIAL**

This matter is before the Court upon Defendant's Renewed Motion for Judgment of Acquittal and Motion for New Trial (DE 71). The Government responded (DE 72).

As to Defendant's renewed motion for judgment of acquittal, "[A] reasonable fact-finder could conclude that the evidence established the defendant's guilt beyond a reasonable doubt." *United States v. Gamory*, 635 F.3d 480, 497 (11<sup>th</sup> Cir. 2011) (citation omitted). Therefore, the motion is denied.

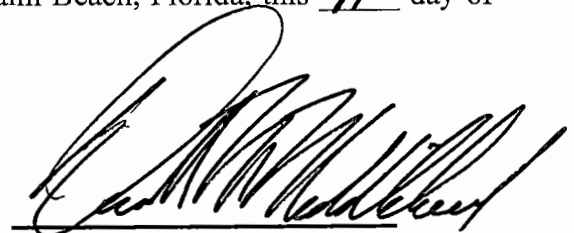
As to Defendant's motion for new trial, a conviction pursuant to Title 21, U.S.C. § 841 may rest on possession of any controlled substance. *See United States v. Rutherford*, 175 F.3d 899, 906 (11<sup>th</sup> Cir. 1999) ("[t]he nature of the controlled substance" is not an offense element; *see also United States v. Gomez*, 905 F.2d 1513, 1514 (11<sup>th</sup> Cir. 1990) ("[I]t need not be proved that the defendant had knowledge of the particular drug involved, as long as he knew he was dealing with a controlled substance.")). Where an indictment further specifies the substance "involved," that allegation "is included only for sentencing purposes." And a conviction does not require proof of the identified substance. *United States v. Achey*, 943 F.3d 909, 915-16 (11<sup>th</sup> Cir.

2019).

Moreover, the entirety of the surveillance video in law enforcement's possession was produced on June 17, 2024, in the Government's second response to the standing discovery order (DE 26). Everything Mr. Barbrie provided to law enforcement was provided to the Defendant. If thought necessary, the defense could have sought additional surveillance. Therefore, it is

**ORDERED AND ADJUDGED** that the Defendant's Renewed Motion for Judgment of Acquittal and Motion for New Trial (DE 71) are **DENIED**.

**DONE AND ORDERED** in Chambers at West Palm Beach, Florida, this 11 day of December 2024.

A handwritten signature in black ink, appearing to read 'Donald M. Middlebrooks', is written over a horizontal line.

Donald M. Middlebrooks  
United States District Judge

cc: All Counsel of Record